

JALBERT ET AL. -- 10/629,912
Client/Matter: 011988-0303291

REMARKS

Claims 1-59 are pending in this application, with claims 17-54 having been allowed and claims 55-59 withdrawn from consideration. Claims 1, 2, 8, 9, 12, 18, 21-23, 27-29, 37-39, 42, 43, 49, and 51 have been amended to correct certain informalities and to more clearly define Applicants' invention. No new matter has been added.

In the Office Action dated October 20, 2004, claims 1-7 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Kaneko (U.S. Patent No. 5,240,161). Applicants respectfully traverse this rejection.

Independent claim 1 recites a fastener-driving tool for driving fasteners into a workpiece that includes, *inter alia*, an integrated function member that has a check pawl portion and a last-fastener-retaining portion. As claimed, when a last fastener remains to be driven into the workpiece, the "last-fastener-retaining portion holds the last fastener within said drive track to prevent the last fastener from falling out of said drive track without being driven into the workpiece." Kaneko does not disclose or suggest these features.

Kaneko teaches the use of separate pressing (20) and stopper (21, 28) members to assist in moving nails toward the fastener drive track 4. (Kaneko at col. 4, ln. 52 – col. 5, ln. 26.) These members are clearly separate and are each separately biased by compression springs (23a, 23b, and 23c, respectively). Kaneko does not disclose or suggest an integrated function member that has a check pawl portion and a last-fastener retaining portion, as recited by claim 1. Moreover, Kaneko only discloses that with a certain nail type (W1), the head of the last fastener is reliably guided within the fastener guide channel (19). Nowhere does Kaneko disclose or suggest that the pressing member (20) holds the last fastener within the drive track to prevent the last fastener from falling out of the drive track, as claimed in claim 1.

Accordingly, Applicants respectfully submit that claim 1 and claims 2-11 that depend therefrom are patentable over Kaneko, and respectfully request that the rejection be withdrawn.

In the Office Action, claims 8-10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In view of the foregoing, Applicants respectfully submit that because claim 1 is allowable, claims 8-10 that depend therefrom are also allowable, and respectfully request that the objection be withdrawn.

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Applicants acknowledge with appreciation that claims 12-54 are allowed.

All rejections and objections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If any point remains at issue which the Examiner feels may best be resolved through a personal or telephone interview, please contact the undersigned at the telephone number below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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